Permitting decisions

Bespoke permit

We have decided to grant the permit for Orby Farm operated by L.J. Fairburn and Son Limited.

The permit number is EPR/QP3132JE.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account
- shows how we have considered the consultation responses

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link:

http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN

Now the BAT Conclusions are published **all new housing within variation applications** issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels for nitrogen and phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published.

New BAT conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

The Applicant has confirmed their compliance with all BAT conditions for the new installation, in their document reference 'Technical Standards v2' dated 15/06/18.

The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures.

BAT measure	**Applicant compliance measure**
BAT 3 - Nutritional management Nitrogen excretion	The Applicant has confirmed it will demonstrate it achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content. This confirmation was received 15/06/18, which has been referenced in Table S1.2 Operating Techniques of the Permit. Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 4 Nutritional management Phosphorous excretion	The Applicant has confirmed it will demonstrate it achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg P_2O_5 animal place/year by an estimation using manure analysis for total Phosphorous content. This confirmation was received 15/06/18, which has been referenced in Table S1.2 Operating Techniques of the Permit. Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 24 Monitoring of emissions and process parameters • Total nitrogen and phosphorous excretion	Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 Monitoring of emissions and process parameters • Ammonia emissions	Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT measure	Applicant compliance measure
BAT 27 Monitoring of emissions and process parameters • Dust emissions	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.
BAT 31 Ammonia emissions from poultry houses -Laying hens	The Applicant has confirmed it will demonstrate it achieves levels of ammonia below the required BAT-AEL for the following: The BAT-AEL for free range layer hens is 0.13 kg NH_3/animal place/year. Ammonia screening uses an emission factor of 0.08 kg NH3/animal place/year this emission factor is lower than the BAT AEL we are therefore satisfied that the BAT AELs will be met for the new poultry housing.'

In order to reduce total nitrogen and phosphorus excreted and consequently ammonia emissions while meeting the nutritional needs of the animals the following will be undertaken at the Pig Site;

Diet formulation adapted to specific requirements of the production period, as detailed in the Odour Management Plan.

Rations are under continual review and contain appropriate enzymes and other additives to minimise nitrogen and phosphorus excretion as well as ammonia.

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT.

Ammonia emission controls – BAT conclusion 31

The new BAT conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for laying hens.

'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions.

All new bespoke applications issued after 21st February 2017, including those where there is a mixture of old and new housing, will not need to meet the BAT-AEL.

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20th February 2013 and came into force on 27 February 2013. These Regulations transpose the requirements of the IED.

This permit implements the requirements of the European Union Directive on Industrial Emissions.

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the Operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Orby Farm (dated 18/06/18) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

Odour

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance (http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf).

Condition 3.3 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process, if as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the Installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent, or where that is not practicable, to minimise the risk of pollution from odour emissions.

The risk assessment for the Installation provided with the Application lists key potential risks of odour pollution beyond the Installation boundary. These risks and activities are as follows:

- Manufacture and selection of feed
- Feed delivery and storage
- Problems with housing ventilation system
- Inadequate air movement within house
- Litter management
- Carcass disposal

- House clean out

Odour Management Plan Review

The sensitive receptors that have been considered as being at risk of potential nuisance from odour and noise emissions from the Installation do not include the operator's property and other people associated with the farm operations. There is no risk of the Installation causing amenity issues for dwellings associated with the farm itself.

There are several sensitive receptors within 400m of the site boundary. The receptors are as follows:

- Residential property (Oakleigh Cottage) ~ 94 m west
- Residential property (Ashes Farm) ~ 105 m south west
- Residential property (Little Holme Farm) ~ 176 m west
- Residential property (High Green) ~ 260 m south west
- Residential property (Yewtree House) ~ 378 m west
- Residential property (Bank House) ~ 399 m west

Two other sensitive receptors are within 400m of the site boundary, however they are associated with the farm operations, and therefore do not need to be considered for amenity issues. These are Ivy House (10 m south) and The Holding (14 m south west).

The closest sensitive property is Oakleigh Cottage which is based approximately 94 m west of the installation boundary. There are a further five sensitive receptors within 400 m of the installation boundary.

The operator has identified the potential sources of odour (see above), as well as the potential risks and problems, detailed actions taken to minimise odour, and contingencies to minimise odour pollution.

The OMP also provides a suitable procedure in the event of complaints in relation to odour. The OMP is required to be reviewed at least every 4 years, however the operator has confirmed that it will be reviewed annually and/or if a complaint is received, whichever is sooner.

The general wind direction is predominantly from the south west. This means that the receptors that could potentially be impacted the most would be to the north east of the installation. There are no receptors to the north east of the installation boundary.

The Environment Agency has reviewed the OMP and consider it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the Operator.

Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance a Noise Management Plan (NMP) must be approved as part of the permitting determination, if there are sensitive receptors within 400m of the Installation boundary.

Condition 3.4 of the Permit reads as follows:

Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration.

There are sensitive receptors within 400 metres of the Installation boundary as stated above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in the Noise Management Plan review below.

The risk assessment for the Installation provided with the Application lists key potential risks of noise pollution beyond the Installation boundary. These activities are as follows:

- Vehicles travelling to and from the site
- Vehicles travelling within the installation
- Feed transfer from lorry to bins
- Chickens
- Personnel
- Repairs and servicing

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Noise Management Plan Review

Sensitive receptors as listed above in Odour section.

The sensitive receptors that have been considered as being at risk of potential nuisance from odour and noise emissions from the Installation do not include the operator's property and other people associated with the farm operations. There is no risk of the Installation causing amenity issues for dwellings associated with the farm itself.

A noise management plan (NMP) has been provided by the operator) as part of the application supporting documentation (reference Noise Management Plan') (see 'Odour' section for distances of individual properties).

There is the potential for noise from the installation beyond the installation boundary. As long as the NMP is followed, the risk of noise beyond the installation boundary is considered unlikely to cause a nuisance. The prevailing wind is from the south west indicating the receptors located to the north east of Orby Farm would potentially be at the highest risk. There are no receptors to the north east of the installation boundary.

The operator has identified the receptors and identified ways in which to minimise the risk of noise disturbance and these are set out in the NMP and are listed above.

The NMP also provides a suitable procedure in the event of complaints in relation to noise. The operator has confirmed that the NMP will be reviewed annually and/or if a complaint is received, whichever is sooner.

We have included our standard noise and vibration condition 3.4.1 in the Permit, which requires that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the Installation, as perceived by an authorised officer of the Environment Agency, unless the Operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan (which is captured through condition 2.3 and Table S1.2 of the Permit), to prevent or where that is not practicable to minimise the noise and vibration.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Dust and Bioaerosols

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the Permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the Permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the Installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

There are three sensitive receptors within 100 metres of the Installation boundary. These receptors are Ivy House, The Holding and Oakleigh Cottage. The nearest sensitive receptor Ivy House is approximately 10 metres to the south of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosol risk assessment with their applications only if there are relevant receptors within 100 metres of their farm, e.g. the farmhouse or farm worker's houses. Details can be found via the link below:

www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols.

As there are receptors within 100m of the Installation, the Applicant was required to submit a dust and bioaerosol risk assessment in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the Installation such as keeping areas clean from build-up of dust, and other measures in place to reduce dust and risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust and bioaerosols:

- Use of suitable bedding materials
- Feed delivered in sealed systems
- Use of pelleted feed with oil coating
- Timed feeding to prevent wastage
- Dust socks fitted to silo exhaust pipes
- Silos and delivery pipes checked daily
- Feed spills dealt with promptly
- Careful removal of litter during cleanout
- Sheeting full trailers before they leave the site

These techniques, together with good management of the installation, keeping areas clean from build-up of dust and other measures in place to reduce dust and risk of spillages, such as manure and feed management/delivery procedures, all reduce the potential for emissions impacting the nearest receptors.

The general wind direction is predominantly from the south west. This means that the majority of the sensitive receptors are generally not downwind of the installation.

Conclusion

We are satisfied that the measures outlined in the Application will minimise the potential for dust and bioaerosol emissions from the Installation.

Ammonia

There are three Special Areas of Conservation (SAC), two Special Protection Areas (SPA) and one Ramsar site located within 10 kilometres of the installation. There are four Sites of Special Scientific Interest (SSSI) located

within 5 km of the installation, and four other nature conservation sites within 2 km comprising of Local Wildlife Sites (LWS) only.

Ammonia assessment – SAC/SPA/Ramsar

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An in combination assessment will be completed to establish the combined PC for all existing farms identified within 10 km of the SAC/SPA/Ramsar.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Orby Farm will only have a potential impact on the SAC/SPA/Ramsar sites with a precautionary critical level of 1µg/m^3 if they are within 3,890 metres of the emission source.

Beyond 3,890m the PC is less than 0.04µg/m^3 (i.e. less than 4% of the precautionary 1µg/m^3 critical level) and therefore beyond this distance the PC is insignificant. In this case all SAC/SPA/Ramsar sites are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m^3 is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m^3 level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect

Table 1 – SAC/SPA/Ramsar Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
The Wash & North Norfolk Coast SAC	9,427
Inner Dowsing, Race Bank and North Ridge SAC	8,258
Saltfleetby-Theddlethorpe Dues & Gibraltar Point SAC	8,423
Greater Wash SPA	6,945
Gibraltar Point SPA	9,191

Ammonia assessment – SSSI

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Orby Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m^3 if they are within 1,624 metres of the emission source.

Beyond 1,624m the PC is less than 0.2µg/m^3 (i.e. less than 20% of the precautionary 1µg/m^3 critical level) and therefore beyond this distance the PC is insignificant. In this case all SSSI's are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m^3 is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m^3 level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
Candlesby Hill	4,356
Willoughby Wood	4,888
Willoughby Meadow	4,690
Bratoft Meadows	4,183

Ammonia assessment - LWS

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Orby Farm will only have a potential impact on the LWS sites with a precautionary critical level of 1µg/m^3 if they are within 678 metres of the emission source.

Beyond 678m the PC is less than 1µg/m^3 and therefore beyond this distance the PC is insignificant. In this case all LWS's are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – LWS Assessment

Name of LWS	Distance from site (m)
Sloothby Low Lane	2,344
Firsby to Louth Dismantled Railway	2,326
The Hollies Field	2,347
Newyear's Holt	2,218

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation/Engagement	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: • Food Standards Agency • Local Authority Environmental Protection Department • Health and Safety Executive • Public Health England • Director of Public Health (Lincolnshire County Council) The comments and our responses are summarised in the consultation section.
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
The site	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility. The plans are included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.
Biodiversity, heritage, landscape and nature	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.

Aspect considered	Decision
conservation	We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. Please see key issues for further information. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant. Please see key issues for further information.
Operating techniques	
General operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit. The operating techniques are as follows: • All four poultry houses are naturally ventilated by roof vents and side inlets. The ventilation management system controls the ventilation rates depending on the outside weather conditions. • Litter is exported off site and is spread on land owned by third parties. • Dirty water is directed to underground storage tanks, and then exported off site and is spread on land owned by third parties. • Roof water and water from the surrounding yard area drains to drainage ditches within the permit boundary. • Feed is stored in sealed vermin-proof storage containers. • Carcasses are collected daily and placed into plastic sealed bags, and stored in sealed, shaded and vermin-proof containers, prior to collection and removal off site by a licensed renderer. • Protein and phosphorous levels within the feed are reduced over the laying cycle by providing different feeds. The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs. Please see the key issues section for further information on the New Intensive Rearing of Poultry or Pigs BAT Conclusions document.

Aspect considered	Decision
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory. Please see key issues for further information.
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise assessment and control. We consider that the noise management plan is satisfactory. Please see key issues for further information.
Permit conditions	
Emission limits	ELVs and equivalent parameters or technical measures based on BAT have been set for the following substances. • Nitrogen: 0.8 kg N/animal place/year • Phosphorus: 0.45 kg P2O5 animal place/year • Ammonia: 0.13 kg NH3/animal place/year
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been imposed in accordance with the relevant BAT measures. See the key issues of the decision section of this decision document for further information. We made these decisions in accordance with BAT conclusion document dated 21st February 2017.
Reporting	We have decided that reporting should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These reporting requirements on monitoring data and performance parameters have been imposed in order to comply with the conditions of the permit. See the key issues of the decision section of this decision document for further information. We made these decisions in accordance with BAT conclusion document dated 21st February 2017.
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation	We have considered our duty to have regard to the desirability of promoting

Aspect considered	Decision
Act 2015 – Growth duty	economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit. Paragraph 1.3 of the guidance says: "The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation." We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections. We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards. Any unique condition, that is a condition distinct from a site specific condition needed to deliver the legislative standards need to be justified Provide additional text if needed, for example where specific comment on the growth duty is made by the applicant in their application.

Consultation

The following summarises the responses to consultation with other organisations and our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England, dated 1st June 2018
Brief summary of issues raised
Public Health England recommended that the varied permit for this site should contain conditions to ensure that potential bioaerosol emissions do not impact upon public health, due to there being residential receptors within 100m of the proposed poultry houses.
Summary of actions taken or show how this has been covered
A bioaerosol risk assessment has been submitted by the operator and assessed and approved by the Environment Agency. The risk assessment concluded that the risk of bioaerosols can be considered low when factoring the mitigation measures in place. Condition 3.2 has been included in the permit to ensure that emissions of substances not controlled by emission limits shall not cause pollution. Our approach to bioaerosol emissions is outlined in the Key issues section above.

Response received from
Director of Public Health (Lincolnshire County Council), dated 8th June 2018
Brief summary of issues raised
The director of public health commented on the sensitive receptors within 100m of the site, and the fact that the level of people with a limiting long term illness or disability within the area is higher than district and national levels. This suggests that people within this area are more susceptible to the health risks associated with bioaerosol, dust and ammonia emissions. They commented that they do not foresee any significant adverse effects to local residents' health and wellbeing, so long as the operator takes all appropriate measures to prevent or control pollution and nuisance in accordance with the relevant sector guidance and industry best practice.
Summary of actions taken or show how this has been covered
A bioaerosol and dust risk assessment has been submitted by the operator and assessed and approved by the Environment Agency. The risk assessment concluded that the risk of bioaerosols can be considered low when factoring the mitigation measures in place. The ammonia emitted by the installation have been screened by the Environment Agency and not considered significantly adverse to human health. Our approach to bioaerosol emissions is outlined in the Key issues section above.